

# Exhibit 2

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

DERICK ORTIZ, individually and on behalf ) Case No.  
of all others similarly situated, ) 1:19-cv-01025-JL  
Plaintiff, )  
vs. )  
SIG SAUER, INC., )  
Defendant. )  
\_\_\_\_\_)

REMOTE VIDEOCONFERENCE DEPOSITION  
OF ADRIAN J. THOMELE, called as a witness by and on  
behalf of the Plaintiff, pursuant to the applicable  
provisions of the Federal Rules of Civil Procedure,  
before P. Jodi Ohnemus (remotely), RPR, RMR, CRR,  
CA-CSR #13192, NH-LSR #91, and MA-CSR #123193, at  
Exeter, New Hampshire, on Wednesday, May 12, 2021,  
commencing at 10:22 a.m.

JOB NO. 4575147

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1 Q. Okay. 12:58:00

2 A. I'm referring to the email as a baseline. 12:58:05

3 Q. And so when Mr. Tuohy called Sig on August 12:58:10

4 4th, is that the first time that Sig realized that 12:58:15

5 there was a drop fire problem with the P320? 12:58:18

6 MR. JOYCE: Objection to form. 12:58:23

7 You can answer over objection. 12:58:25

8 A. No. 12:58:29

9 Q. When was the first time that Sig realized 12:58:32

10 there was a drop fire problem with the P320? 12:58:34

11 MR. JOYCE: Same objection. 12:58:37

12 A. Depending on the -- the specifics of what 12:58:41

13 you define as a problem, it's early 2017. 12:58:43

14 Q. Okay. When the Army told Sig about the -- 12:58:50

15 the testing that they had done; right? 12:58:53

16 A. There was one incident prior to the -- the 12:58:56

17 Army in that same time frame where another -- a 12:58:59

18 different customer had done an off-standard 12:59:02

19 testing. 12:59:08

20 Q. When was that? 12:59:08

21 A. Again, early 2017. About the same time 12:59:10

22 frame, as -- as far as I can recall. 12:59:14

23 Q. Which customer was that? 12:59:18

24 A. There was a customer called Caracal. 12:59:19

25 Q. Can you spell that? 12:59:23

1 A. C-a-r-a-c-a-l. 12:59:24

2 Q. What is Caracal? 12:59:29

3 A. Say again? 12:59:30

4 Q. What is Caracal? 12:59:31

5 A. That's a customer from -- that we 12:59:36

6 delivered guns to. 12:59:38

7 Q. Do you know is Caracal a business? 12:59:39

8 A. It's a business, yes. 12:59:42

9 Q. And what kind of business is Caracal 12:59:44

10 involved in? 12:59:46

11 A. Firearms business, firearms industry. 12:59:52

12 Q. Are they a retailer? 12:59:54

13 A. They are a company that makes firearms, 12:59:56

14 but at that time my understanding is that they 01:00:01

15 purchased our firearms and sold them as a Caracal 01:00:03

16 model -- as a contractor, I think. 01:00:09

17 Q. And when did Caracal tell Sig that they 01:00:17

18 were experiencing drop fires? 01:00:22

19 A. I cannot recall, but it's either very late 01:00:26

20 2016, I assume, or early 2017 -- with their SKU, 01:00:31

21 which is also, as far as I remember, a different 01:00:37

22 version as well. So it's not the same -- it's not 01:00:39

23 the standard model at all times. 01:00:46

24 Q. Now, the version of the -- it's a version 01:00:48

25 of the P320 that was sold to Caracal, right? 01:00:50

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1 That's what we're talking about? 01:00:53

2 A. Yes. 01:00:55

3 Q. And the version of the P320 that was sold 01:00:56

4 to Caracal, did that have the same trigger 01:00:58

5 mechanism parts? 01:01:05

6 A. I can't tell based off top of my head. 01:01:07

7 Q. Okay. And do you know what kind of drop 01:01:15

8 testing Caracal did where they discovered the drop 01:01:17

9 fire problem? 01:01:19

10 A. As far as I recollect, they also conducted 01:01:20

11 a NATO drop testing, but they also went on -- 01:01:26

12 outside of the testing standard. 01:01:29

13 Q. Did Caracal find a problem with negative 01:01:33

14 30 degrees, or is that a different orientation? 01:01:35

15 A. I -- I don't -- I can't tell you top of my 01:01:39

16 head, but I'm pretty sure it was also negative 30 01:01:42

17 degrees. 01:01:44

18 Q. Okay. And so by August 4th when Mr. Tuohy 01:02:09

19 calls Sig, the -- the Army had reported a drop fire 01:02:13

20 problem with the military version; right? 01:02:20

21 A. Yes. 01:02:28

22 Q. And -- and Caracal had reported a similar 01:02:29

23 version of the P320 that -- that Sig had sold it; 01:02:35

24 right? 01:02:38

25 A. Of a variant, and I'm not familiar enough 01:02:41